

1 DOUGLAS T. SLOAN, City Attorney
2 CITY OF FRESNO
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6 | Attorneys for the CITY OF FRESNO

RE:

RECORDS REGARDING FACIAL RECOGNITION SOFTWARE

**RESPONSE TO PUBLIC RECORDS
ACT REQUEST FOR DOCUMENTS
(Govt. Code §6250, et seq.)**

The City of Fresno (City) responds to a request pursuant to the California Public Records Act (Gov. Code §6250, et seq.) by the Aaron Swartz Day Police Surveillance Project, regarding **information for the period of January 1, 2015 to the date of this letter pertaining to facial recognition software**, as follows:

Request No. 1 – Number, if any, of Facial Recognition software or Facial Recognition-enabled equipment in place with this department or agency. Please specify if software has been purchased or if services are performed by outside contractors for the department or agency. Please include pilot or testing programs within the scope of this request: The City objects to this inquiry on grounds the request seeks information and does not seek production of an existing public record. (Gov. Code § 6253(b).) Under the California Public Records Act, the City is not required to respond to inquiries that seek only information. Without waiving this objection, the City did not locate any potentially responsive documents for this request.

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Request No. 2 – Any documents or correspondence during the period encompassing this request regarding possible or planned acquisition of Facial Recognition software packages, Facial Recognition-enabled equipment or service agreements: After a diligent search and reasonable inquiry of the City's records, the City did not locate any potentially responsive documents for this request. Please note the City is still searching for potentially responsive emails for this request. If potentially responsive email records exist, the City will provide a supplemental response.

Request No. 3 – Any existing or proposed usage policies regarding the use of Facial Recognition software or Facial Recognition-enabled equipment, including protocols, training documents, data storage procedures and prohibited activities: The City objects to this request to the extent it seeks disclosure of pre-decisional documents or drafts. (Gov. Code § 6254(k).) Without waiving this objection, the City did not locate any potentially responsive documents for this request.

Request No. 4 – Any current or past litigation involving or referencing this department or agency involving the use of Facial Recognition software or Facial Recognition-enabled equipment. The City objects to this inquiry on grounds the request seeks information and does not seek production of an existing public record. (Gov. Code § 6253(b).) Under the California Public Records Act, the City is not required to respond to inquiries that seek only information. Without waiving this objection, the City did not locate any potentially responsive documents for this request.

DATED: January 22 2019. Respectfully submitted,

DOUGLAS T. SLOAN

~~City Attorney~~

By

FRANCINE M. KANNE
Chief Assistant City Attorney
Attorneys for CITY OF FRESNO

FMK:rm[63809rm/fmk]

PROOF OF SERVICE
CCP §§ 1011, 1013, 1013a, 2015.5
FRCP 5(b)

STATE OF CALIFORNIA, COUNTY OF FRESNO

I am employed in the County of Fresno, State of California. I am over the age of 18 and not a party to the within action; my business address is 2600 Fresno Street, Fresno, CA 93721-3602.

On January 07, 2019, I served the document described as **RESPONSE TO PUBLIC RECORDS ACT REQUEST FOR DOCUMENTS** on the interested parties in this action by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list: ■ by placing the original ■ a true copy enclosed in sealed envelopes addressed as follows:

Aaron Swartz Day Police Surveillance Project
MuckRock News
DEPT MR 66603
411A Highland Ave
Somerville, MA 02144-2516
Email: 66603-39953365@requests.muckrock.com

BY MAIL I deposited such envelope in the mail at Fresno, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY PERSONAL SERVICE) I caused such envelope to be hand delivered.

(BY FAX) I caused the above-referenced document to be transmitted by fax to the addressee(s) at the fax number(s) shown.

(BY OVERNIGHT COURIER) I caused the above-referenced envelope(s) to be delivered to an overnight courier service for delivery to the addressee(s).

(BY ELECTRONIC MAIL) I caused the above-referenced document to be transmitted by electronic mail (e-mail) to the addressee(s) at the e-mail(s) shown.

Executed on January 01, 2019, at Fresno, California.

■ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Kimberly Hernandez